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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIRST APPELLATE DISTRICT  
DIVISION FIVE

**THE PEOPLE,**

**Plaintiff and Respondent,**

**v.**

**ROBERTO FLORES,**

**Defendant and Appellant.**

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**A126529**

**(City & County of  
San Francisco  
Super. Ct. No. 150090)**

Roberto Flores appeals from an order denying his motion to vacate a prior juvenile judgment. His counsel on appeal has filed an opening brief that asks this court to conduct an independent review of the record as is required by *People v. Wende* (1979) 25 Cal.3d 436. Counsel also informed appellant that he had the right to file a supplemental brief on his own behalf. Appellant declined to exercise that right.

On April 19, 1993, pursuant to a plea bargain, appellant pleaded guilty to possessing cocaine for sale. (Health & Saf. Code, § 11351.) On May 17, 1993, the trial court suspended the imposition of sentence and placed appellant on probation for a period of three years.

On July 28, 2009, appellant filed a motion to vacate the prior judgment claiming the court lacked jurisdiction because he was only 17 years old at the time of the 1991 offense.

The trial court conducted a hearing on appellant's motion and denied it.

We have reviewed the record on appeal and conclude there are no meritorious issues to be argued. There is substantial evidence that appellant was in fact 18 when he committed the prior offense. Furthermore, appellant both waived and is estopped from asserting any possible error on the ground alleged. (*People v. Level* (2002) 97 Cal.App.4th 1208, 1213-1214.) Appellant was effectively represented by counsel.

We conclude there are no arguable issues within the meaning of *People v. Wende*, *supra*, 25 Cal.3d 436. (See also *People v. Kelly* (2006) 40 Cal.4th 106.)

The order is affirmed.

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Jones, P.J.

We concur:

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Simons, J.

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Needham, J.